

LSK&D #: 608-0015 / 4871-1399-8088

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MIASIA IONA JOHNSON,

Plaintiff,

-against-

P.G.T. TRUCKING INC., and DANIEL WAYNE
YOUNG,

Defendants.
-----X

Case No.:

NOTICE OF REMOVAL

Trial By Jury Demanded

Defendants P.G.T. Trucking, Inc. and Daniel Wayne Young state the following for their notice of removal:

1. On November 22, 2021 (not the service date), an action was commenced against the defendants in the Supreme Court of the State of New York, Kings County entitled *Miasia Iona Johnson against P.G.T. Trucking, Inc. and Daniel Wayne Young*. A copy of the summons and complaint is annexed as Exhibit "A."

2. Issue was joined by defendants by filing of an answer to the complaint on December 22, 2021. A copy of the defendants' answer is annexed as Exhibit "B".

3. The above-described action is one in which the Court has original jurisdiction under the provision of 28 U.S.C. §1332, as one that may be removed to this Court pursuant to 28 U.S.C. §1441, in that it is a civil action and upon information and belief, the matter in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states.

4. At the time that this action was commenced, plaintiff Miasia Iona Johnson was a citizen of the State of New York, residing in Kings County as is indicated on the face of the plaintiff's summons and complaint. (Exh. A; ¶1)

5. At the time the action was commenced and at the time this notice of removal is filed, defendant P.G.T. Trucking, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business at 4200 Industrial Boulevard, Aliquippa, Pennsylvania 15001.

6. At the time the action was commenced and at the time this notice of removal is filed, defendant Daniel Wayne Young is a citizen of the State of Ohio, residing at 51905 Interstate Road, East Liverpool, Ohio 43920.

7. This case could not be removed to federal court until defendants received plaintiff's Verified Bill of Particulars (Exh. C) and Responses to Combined Demands (Exh. D), dated December 29, 2021. Page three of plaintiff's Response to Combined Demands sets forth a demand for damages in the amount of \$5,000,000. (Exhibit D)

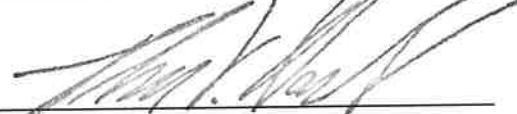
8. This notice of removal is filed within thirty days of receipt of the Verified Bill of Particulars and Responses to Combined Demands from plaintiff's counsel, and within one year of this action's commencement. It is therefore timely.

9. This action is hereby removed from New York State Supreme Court, Kings County to this Court.

Dated: New York, New York
January 5, 2022

Yours, etc.

LESTER SCHWAB KATZ & DWYER, LLP



Thomas V. Backis
Attorneys for Defendants
P.G.T. TRUCKING INC.
and DANIEL WAYNE YOUNG
100 Wall Street
New York, New York 10005
(212) 341-4244

TO:

Anthony Hirschberger, Esq.
AH LAW P.C.
150 Broadhollow Road, Suite 356
Melville, NY 11747
Attorneys for Plaintiff
T: (917) 270-9727

